a nonpublic purpose as the determination is made for the benefit of the public health, safety and welfare and the conservation of the state's natural resources.[9] Regardless of the fact that Dr. Yee's application for leave to appeal to the Michigan Supreme Court was pending at the time of the lower court that, the Shiawassee Circuit Court, as well as this Court, are bound by that published opinion.[10] Therefore we, we again reject Dr. Yee's arguments.

Furthermore, as the county board and the association properly brought the current action under the procedures outlined in Part 307 of the NREPA [11] we find that the trial court had subject matter jurisdiction to establish the normal level of Bambi Lake. MCL 324.30702(l) provides in pertinent part:

> The county board of a county in which an inland lake is located. Shall within 45 days following receipt of a petition to the board of 2/3 of the owners of lands abutting the inland lake, initiate action to take the necessary steps to cause to be determined the normal level of the inland lake. [12]To facilitate the board's decision to initiate this action, and the court's ultimate determination, the county board may commission an engineering study to evaluate the effects of setting the lake level at a recommended level. [13] Once the county board has determined that an action should be initiated to establish a normal

> lake level, it must direct the county attorney to file an action. The action should seek the establishment of a specific lake level and the creation of a special assessment district to maintain that level. [14] Once a hearing on the matter is set, extensive publication is required to inform the public as the interests of all affected parties are relevant to the determination. [15]

Consistent with the statute and the dictates of *Yee*, [16] two-thirds of the residents along Bambi Lake - the association -petitioned the county board to initiate this proceeding. The county board directed the drain commissioner to hire the Spicer Group to survey the lake and conduct a preliminary study considering the requisite factors in MCL 324.30707(4). The proper notice was published and a member of the public appeared at the trial and was allowed to testify.

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[9] *Id.*

[10] MCR 7.2 15(C)(2).

[11] See *Yee, supra* at 396, citing MCL 324.30702-.30704.

[12] *Id.* at 396-397, quoting MCL 324.30702(1).

[13] *Id.* at 397, citing MCL 324.30703(1).

[14] *Id.*, quoting MCL 324.30704(l).

[15] MCL 324.30707.

[16] See *Yee, supra* at 398.

Accordingly, the trial court properly determined that it had subject matter jurisdiction over the instant proceeding. [17]

II Great Weight of the Evidence

Dr. Yee contends that the trial court's determination to set the normal level of Bambi Lake at 800.67 feet above sea level was against the great weight of the evidence. We review a claim that a verdict rendered after a bench trial is against the great weight of the evidence under the clearly erroneous standard. [18] A trial court's finding is clearly erroneous when this Court, after reviewing the entire record, is "left with the definite and firm conviction that a mistake has been made. [19] However, we defer to the trial court's determination of witness credibility. [20]

Pursuant to MCL 324.30707, the trial court must consider specific factors in establishing the normal surface level of an inland lake.

> (4) In a determination of the normal level of an inland lake, the court shall consider all of the following:
>
> (a) Past lake level records, including the ordinary high-water mark and seasonal fluctuations
>
> (b) The location of septic tanks, drain fields, sea wails, docks, and other pertinent physical features.
>
> (c) Government surveys and reports.

(d) The hydrology of the watershed.

(e) Downstream flow requirements and impacts on downstream riparians.

(f)Fisheries and wildlife habitat protection and enhancement.

(g) Upstream drainage.

(h) Rights of riparians.

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[17] We decline to review Dr. Yee's claimed errors in the previous cases before the Genesee Circuit Court and in the previous published opinion of this Court. We may only consider the case on which this appeal is based - the 2000 petition before the Shiawassee Circuit Court. *Chapdelaine v Sochocki,* 247 Mich App 167, 177; 635 NW2d 339 (2001), citing MCR 7.203(A)(l), *People v Anderson,* 209 Mich App 527, 538; 531 NW2d 780(1995). Furthermore, we may not second-guess the Michigan Supreme Court's denial of Dr. Yee's application for leave to appeal the prior opinion of this Court. MCR 7.301 (A)(2).

[18] *Ambs v Kalamazoo Co Rd Comm*, 255 Mich App 637, 651; 662 NW2d 424 (2003).

[19] *Id.* at 652.

[20] *Id.*

(i) Testimony and evidence offered by all interested persons.

(j) Other pertinent facts and circumstances. [21]

From a review of the entire record, it is clear that the trial court properly determined that the normal surface level of Bambi Lake should be set at 800.67 feet above sea level. The trial court determined from the deposition of Louis Homola and the testimony of residents on Bambi Lake that the lake's surface level had been maintained with all the stop logs placed in the weir structure since 1970. Although various government inspections and surveys calculated differing elevations for the weir structure, the Spicer Group's calculation was comparable to those numbers. [22] Accordingly, the record evidence supports the trial court's determination that the historic surface level of Bambi Lake was 800.67 feet above sea level.

Furthermore, Dr. Yee failed to present any evidence to refute expert testimony that the watershed environment, wildlife, and upstream and downstream owners would benefit from maintaining Bambi Lake at this elevation. Although Dr. Yet presented extensive photographic evidence that the lake's level rises after a heavy rain, he failed to demonstrate that groundwater rose to a detrimental level or that an increased lake level actually caused the alleged damage to his property.

III. Motion to Transfer

Dr. Yee contends that the trial court improperly denied his motion to transfer the county board's petition to Judge Fullerton of the Genesee Circuit

Court pursuant to MCR 8.111(D) as the petition arose from the same transaction or occurrence as his previously dismissed suits. Dr. Yee's contention represents a question of law which we review de novo. [23]

MCR 8.111 governs the assignment of cases. MCR 8.11 1(D) controls the assignment of cases arising out of the same transaction or occurrence as follows:

> Subject to subrule 8.110(C),
>
> (1) if one of two or more actions arising out of the same transaction or occurrence has been assigned to a judge, the other actions must be assigned to that judge;

---

[21] MCL 324.30707(4).

[22] Although the original designs for the dam indicated that the elevation of the top of the weir structure was to be 799 feet above sea level, an inspection report produced in 1980 pursuant to the National Dam Safety Program found that the actual construction of the dam deviated from the plans with the top of the weir structure and stop logs at 800.5 feet above sea level. A report completed in 1998 set this elevation at 801.04 feet above sea level, and the Spicer Group study at 800.67 feet.

[23] See *People v Rich,* 172 Mich App 494,496; 432 NW2d 352 (1988).

> (2) if an action arises out of the same transaction or occurrence as a civil action previously dismissed or transferred, the action must be assigned to the judge to whom the earlier action was assigned[.] [(24)]

To be categorized as arising from the same transaction or occurrence for purposes of MCR 811(D), two cases must arise from ""identical events leading to the other." [25] Although two cases include similar legal issues, it does not necessarily mean that they arose out of the same transaction.[26]

This case does not arise from the same transaction or occurrence as Dr. Yee's previous actions before the Genesee Circuit Court. In the previous cases, Dr. Yee sought monetary damages for trespass and property damage and injunctive relief to prevent the level of Bambi Lake from being raised over 799 feet. The events compelling Dr. Yee to file suit were the alleged raising of the lake level, improper control of the weir structure and flooding of his property. The current action was the only action properly brought by the county board to establish the normal level of Bambi Lake pursuant to statute. The event leading to the action was the petition of the association to set a normal lake level.

Furthermore, even if we were to find that these actions arose from the same transaction or occurrence. Dr. Yee failed to allege that he was prejudiced as a result of Judge *Tahvonen* hearing the

current matter. [2] Accordingly, relief would be unwarranted.

IV. Property Rights by Deed

Dr. Yee claims that he took a property interest by deed to enjoy dry land to the meander line appearing on survey maps, which places the level of Bambi Lake at 799 feet above sea level, Dr. Yee's warranty deed describes the eastern border of his property as a "meander line," and indicates that the line is "for descriptive purposes only." We review the language of a contract or deed de novo to determine if it is ambiguous. [28] A deed describing a boundary as the water's edge is ambiguous as the named boundary fluctuates with the water level. [29] When the terms of *a* contract or deed are ambiguous the trier of fact must determine the intentions of the parties upon entering into the contract.

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[24] MCR 8.111(D)(1)-(2).

[25] *Ross v Onyx Oil & Gas Corp*, 128 Mich App 660, 669; 341 NW2d 783 (1983), quoting *Armco Steel Corp v Dep't of Treasury*, 111 Mich App 426, 437; 315 NW2d 158 (1981).

[26] *Id.*

[27] *People v McCline*, 442 Mich 127, 133-134; 499 NW2d 341 (1993).

[28] *Port Huron Educ Ass'n v Port Huron Area School Dist*, 452 Mich 309, 323; 550 NW2d 228 (1996).

[29] *Weimer v Gilbert*, 7 Mich App 207, 212; 151 NW2d 348 (1967).

[30] *UAW-GM Human Resources Ctr* v *KSL Recreation Corp*, 228 Mich App 486, 491; 597 NW2d 411 (1998).

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Dr. Yee contends that Mr. Cummings, in conveying the parcel to his predecessor in interest, intended the property to run to the meander *line*. However, "[m]eander lines were established by surveyors to determine acreage and value of property, not to determine a strict boundary" [31] Although a map may include the location of a meander line, this line does not define a riparian owner's property rights. Rather, the "'title of the riparian owner flows the shore line under what has been graphically called "a moveable freehold" [32] As a riparian owner with "a moveable freehold," Dr. Yee's title extends to the shore line, which is higher after rainfall and lower during drought. Accordingly, Dr. Yee does not have a rigid by deed to have the level of Bambi Lake set at 799 feet above sea level.

V. Dam Construction Permit

Dr. Yee asserts that the dam construction permit granted to Forrest Cummings in 1970 sets (the legal level of Bambi Lake at 799 feet above sea level. Whether permits issued wider the DCAA can establish a normal lake level is an issue of statutory

construction that we review de novo. [33]

However, this Court already rejected Dr. Yee's identical contention in *Yee* as follows:

> [I]t is clear that the provisions of the act were intended simply to provide for a method of regulating the construction of dams in this state in order to ensure their structural integrity. Although this goal would necessarily require consideration and approval of proposed impoundment surface areas and levels, nothing in the act indicates that these were intended to establish an enforceable lake level. [34]
>
> That the Legislature did not intend for the DCAA to create legally enforceable lake surface levels is further shown by the amendment of the act in July of 1970 "to require successful permit applicants to petition for the establishment of a legal lake level under the Inland Lake Level Act of 1961 (ILLA)."[35]

Once again, we are bound by the precedent set in this Court's previous opinion and Dr. Yee is barred from relitigating this issue. However, the trial court did consider the permit and application as evidence of the historical level of Bambi Lake. The trial court properly considered the dam permit, along with the other calculations of the lake's surface elevation in government inspections and surveys, and found the permit to be inconclusive regarding the actual normal level of Bambi Lake.

[31] *Glass v Goeckel,* 262 Mich App 29, 34 n 3; 683 NW2d 719 (2004), citing *Whitaker v McBride,* 197 US 510, 512; 25 S Ct 530; 49 L Ed 857(1905).

[32] *Peterman v Dept of Natural Resources,* 446 Mich 177, 192; 521 NW2d 499 (1994), quoting *Hilt v Weber,* 252 Mich 198,219; 233 NW 159 (1930).

[33] Yee, supra at 393.

[34] Id. at 394.

[35] *Id* at 394-395, quoting MCL 281.6!*et seq.*, repealed by 1994 PA451, § 90103.

-7-

VI. Right to Jury Trial

Dr. Yee claims that the county board, by seeking to set the level of Bambi Lake at 800.67 feet above sea level, knew that a portion of his property would be flooded. He contends that the county board was required to initiate condemnation proceedings under these circumstances, and by failing to do so, the county board denied Dr. Yee his statutory right to a jury trial under Part 307 of the NREPA. Whether Dr. Yee had a right to a jury trial pursuant to Part 307 of the NREPA is a question of law which we review de nova. [36]

In civil cases, the right to a jury trial is permissive only. [37] The Michigan Constitution provides that 'The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of

the parties in the manner prescribed by law." [38] As the right to jury trial remains, parties only have this right in circumstances where it existed prior to 1963. [39]

Part 307 of the NREPA is silent regarding a party's general right to a jury trial in a proceeding to determine the normal level of an inland lake. However, if a county board determines that its petition will require the condemnation of private property, then the county board must proceed consistent with the uniform condemnation procedures act (UCPA). Pursuant to UCPA, the court reviews the necessity of condemning property [40] but the aggrieved party has the right to jury trial on the issue of just compensation.[4] The county board was not required to condemn a portion of Dr. Yee's property, however, in filing this petition. The petition sought to set the level of Bambi Lake at 800.67 feet above sea level, the historic level of the lake. As the actual level of the lake was to remain where it historically had been, Dr. Yee would not lose additional property in the process.

Dr. Yee was not entitled to a jury trial under the statute's explicit mandate to follow the UCPA. The question remaining is whether he would be entitled to a jury trial in an action to set

[36] *Anzaldua v Band,* 457 Mich 530, 533; 578 NW2d 306(1998).

[37] *Marshall Lasser, PC v George,* 252 Mich App 104, 106; 661 NW2d 158 (2002).

[38] Const 1963, art 1, § 14 (emphasis added).

[39] *Phillips v Mirac, Inc,* 470 Mich 415, 425; __ NW2d __ (2004); *Anzaldua v Band,* 216 Mich App 561, 564; 550 NW2d 554 (1996), aff'd 457 Mich 530 (1998).

[40] MCL 324.30710. See also MCL 213.51-77

[41] *Kalamazoo v KTS Indus, Inc,* __ Mich App __ , __ NW2d __ (Docket No. 251199, issued July 8, 2004), slip op at 9-10.

[42] MCL 213.54.

a normal lake level prior to 1963. However, Dr. Yee failed to argue or brief this position, and therefore, it is deemed abandoned. [43] Affirmed.

s/ Joel P. Hoekstra

s/ Jessica R. Cooper

s/ Kirsten Frank Kelly

[43] Yee, supra at 406.

Had Dr. Yee properly argued this issue, we would find that he retained no right to a jury trial for this cause of action. When the Legislature creates a

cause of action without indicating if it contains the right to a jury trial, this Court must determine if a parallel common-law action existed possessing the right to a jury trial prior to 1963. The right to a jury trial existed in legal actions, but not in equitable actions. Furthermore, the right does not exist in actions that did not exist before the creation of the statute, as statutory is the opposite of common-law by definition.

The right to seek the establishment of a normal lake level did not exist at common-law; it was first created with the enactment of 1911 PA 202. As this cause of action is a statutory creation without parallel in the common-law, the statute itself must create the right to a jury trial. Part 307 of the NREPA is silent on the issue, and the courts may not read a right into a statute which its plain language does not create.

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STATE OF MICHIGAN, IN THE 35TH CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE In the Matter of: Determination of Lake Level for the Waters of Bambi Lake Bennington Township, Shiawassee County, Michigan, File No.00-005032-CZ, Hon. Randy L. Tahvonen;

PATRICK A. ASELTYNE (P23293), JOHNSON, ROSATI, LaBARGE, ASELTINE & FIELD, P.C., 303 S. Waverly Road, Lansing, MI 48917, (517) 886-3800

EDWARD B. DAVISON (P26421), Attorney for Respondents Cummings et al, Tenth Floor,

Northbank Center, 432 N. Saginaw Street, Flint, MI 48502, (810) 234-3633,

WILLIAM YEE (P35984) In Pro Per, P. O. Box 310, Owosso, MI 48867-0310 (517) 214-6196

ORDER ALLOWING TAXATION OF COSTS, At a session of said court, held in the City of St. Johns, County of Clinton, State of Michigan on the 29th Day of October, 2002,

PRESENT: HON. RANDY L. TAHVONEN

THIS MATTER having come before the court on a Petition by the Shiawassee Board of Commissioners, requesting that the Court enter an Order Taxing Costs in an amount certain, and the court having listened to the arguments and reviewed the pleadings: IT IS HEREBY ORDERED that for the reasons set forth on the record on October 29th, 2002, the County shall be entitled to tax costs against the Respondent William R. Yee in the amount of $2,725.25 and shall have execution on that amount, This Order resolves the last pending claim and closes the case. s/ Randy L. Tahvonen

Honorable Randy L. Tahvonen
Visiting Circuit Court Judge

Drafted by: s/Patrick A. Aseltyne
Patrick A. Aseltyne (P23293

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STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE In the Matter of: Determination of Lake Level for the Waters of Bambi Lake Bennington Township, Shiawassee County, Michigan, File No.00-005032-CZ, Judge Randy L. Tahvonen By Assignment

PATRICK A. ASELTYNE (P23293), Attorney for Shiawassee County, 303 S. Waverly Road, Lansing, MI 48917, (517) 886-3800

EDWARD B. DAVISON (P26421), Attorney for Respondents Cummings, et al, Tenth Floor, Northbank Center, Flint, MI 48502, (810) 234-3633,

WILLIAM YEE (P35984) In Pro Per, P. O. Box 310, Owosso, MI 48867-0310 (989) 214-6196

ORDER TO TAX COSTS, At a session of the court, held on the 29th Day of October, 2002, PRESENT: HONORABLE RANDY L. TAHVONEN, Circuit Court Judge

THIS MATTER having come on regularly to be heard upon the motion of Respondents Braidwood, et al, seeking to tax costs pursuant to MCR 2.625, and the Court having considered the pleadings and oral arguments presented in support of the respective positions of the parties, and being fully advised in the premises

NOW, THEREFORE. IT IS HEREBY ORDERED that the motion of Respondents Braidwood, et al, be and is hereby granted.

IT IS FURTHER ORDERED that costs be and are hereby taxed in favor of Respondents Braidwood, et al, and against Respondent William R. Yee in the amount of $1,971.25, and that Respondents Braidwood, et al, have execution therefore.

Dated 29 October 2002,

/s/ RANDY L. TAHVONEN

Randy L. Tahvonen, Circuit Court Judge

Prepared by: EDWARD B. DAVISON (P26421), Tenth Floor, Northbank Center, 432 N. Saginaw Street, Flint, MI 48502-2032, (810) 234-3633.

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STATE OF MICHIGAN, IN THE 35TH CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE In the Matter of: Determination of Lake Level for the Waters of Bambi Lake Bennington Township, Shiawassee County, Michigan, File No.00-005032-CZ, Honorable Randy L. Tahvonen

PATRICK A. ASELTYNE (P23293), JOHNSON, ROSATI, LaBARGE, ASELTINE & FIELD, P.C., 303 S. Waverly Road, Lansing, MI 48917, (517) 886-3800

EDWARD B. DAVISON (P26421), Attorney for Respondents, Tenth Floor, Northbank Center, Flint, MI 48502, (810) 234-3633,

WILLIAM YEE (P35984) In Pro Per, P. O. Box 310, Owosso, MI 48867-0310 (517) 214-6196, (517) 402-6090

ORDER DETERMINING NORMAL LAKE LEVEL FOR BAMBI (AKA CUMMINGS) LAKE

At a session of said Court held in the City of Ithaca. County of Gratiot, State of Michigan on the 30th day of August. 2002.

PRESENT: HON. RANDY L. TAJIVONEN

This matter having come before the Court on the Petition by the Shiawassee County Board of Commissioners, requesting that the Court determine the normal lake level for Bambi (a/k/a Cummings) Lake in Shiawassee County, pursuant to the authority found in the Inland Lake Level Act, MCL 32430701 et seq.; the Court having conducted a hearing in open court following the notice required by said Act and the Court having listened to the presentations of all interested parties, reviewed the exhibits and pleadings and set forth its findings and conclusions on the record on June 12, 2002;

IT IS HEREBY ORDERED THAT, for the reasons set forth on the record on June 12, 2002, the normal lake level of Bambi (a/k/a Cummings) Lake is set at 800.67 feet above mean sea level and that this elevation is determined to be the top of the weir structure, located in the southwest quadrant of the Lake, with all stop logs in place;

IT IS FURTHER ORDERED THAT the Shiawassee

County Drain Commissioner shall prepare a plan to maintain the lake level and shall also prepare and submit to this Court within 60 days hereof a document showing the proposed boundaries for a special assessment district, as provided by MCL 324.30707(5).

IT IS FINALLY ORDERED THAT no sanctions shall be assessed against William Yee, but the normal costs may be taxed by the prevailing parties.

/s/ RANDY L. TAHVONEN

Honorable Randy L. Tahvonen

Visiting Circuit Court Judge

COUNTERSIGNED

/s/ DEPUTY CLERK

DEPUTY CLERK

DRAFTED BY:

/s/ PATRICK A. ASELTYNE

PATRICK A. ASELTYNE (P23293),

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_____/§¶

STATE OF MICHIGAN, 35th JUDICIAL DISTRICT, SHIAWASSEE COUNTY; Court Address: 208 N Shiawassee Street, Corunna, MI 48817, 517 743-2239, CASE NO. 00-005032-CZ,

Plaintiff name(s): County Commissioners et al, Petitioners;

Plaintiff attorney, bar no. address and telephone

number: PATRICK A. ASELTYNE (P23293), 303 S. Waverly Road, Lansing, MI 48917, (517) 886-3800

Defendant name(s): Bambi Lake Association et al, Respondent/Petitioners;

Defendant's attorney, bar no. address and telephone number: EDWARD B. DAVISON (P26421), Tenth Floor, Northbank Center, 432 N. Saginaw Street, Flint, MI 48502-2032, (810) 234-3633,

Defendant name(s): WILLIAM R. YEE P35984 respondent/intervenor

Defendant's attorney, bar no. address and telephone number: WILLIAM R. YEE (P35984), Pro Per, P. O. Box 310, Owosso, MI 48867-0310 517 214-6196

1. Motion Title: Motion: for summary judgment and dismissal pursuant to MCR 2.116(C)(4)(6)(8)(10)

2. Moving Party: WILLIAM R. YEE, P35984, respondent/intervener

3. This matter having been placed on the motion calendar for: Judge Randy L. Tahvonen; Date: 2-11-2002; Time: 10:30 AM; Hearing Location: 100 E. State Street. St. John's Michigan 48879; 989 224-5132. IT IS ORDERED:

The above named motion is x denied

February 11th, 2002 /s/RANDY L. TAHVONEN

Date Judge RANDY L. TAHVONEN

cc 327 12:86> ORDER

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STATE OF MICHIGAN, IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE, IN THE MATTER OF:

Determination of a Lake Level for the Waters of Bambi Lake, Bennington Township. SHIAWASSEE County, Michigan, FILE NO. 00-005032-CZ, JUDGE: RANDY L. TAHVONEN, BY ASSIGNMENT

DEANA M. FINNEGAN (P37854), Chief Assistant Prosecuting Attorney, 201 N. Shiawassee Street, Corunna, MI 48817, (517) 743-2373

EDWARD B. DAVISON (P26421), Attorney for Respondents, Tenth Floor, Northbank Center, Flint, MI 48502, (810) 234-3633,

WILLIAM R. YEE (P-35984), in pro per, P.O. Box 310, Owosso, MI 48867-0310,

ORDER DENYING MOTION FOR SUMMARY DISPOSITION, At a session of said court held in the 15th day of May, 2001, PRESENT: HONORABLE RANDY L. TAHVONEN, Circuit Court Judge

THIS MATTER having come on regularly to be heard upon Respondent Yee's Motion for Summary Disposition, and the Court having considered the pleadings and oral arguments presented in support of the respective positions of the parties, and being fully advised in the premises, NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent Yee's

Motion for, Summary Disposition be and is hereby denied.

s/ RANDY L. TAHVONEN

RANDY L. TAHVONEN

F:/15000/15148\Order Denying M SO.doc Dated: 27 July 2001

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STATE OF MICHIGAN, IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE, IN THE MATTER OF:

Determination of a Lake Level for the Waters of Bambi Lake, Bennington Township, SHIAWASSEE County, Michigan, FILE NO. 00-005032-CZ, JUDGE: GERALD D. LOSTRCCO

DEANA M. FINNEGAN (P37654), Chief Assistant Prosecuting Attorney, 201 N. Shiawassee Street, Corunna, MI 46817, (517) 743-2373

EDWARDS. DAVISON (P26421), Attorney for Respondents Tenth Floor, Northbank Center, Flint, MI 48502, (810) 234-3633

WILLIAM R. YEE (P-35984), In Pro Per, 2798 S.

Country Club Road, #8, Warsaw, IN 46580-9039, (219) 267-6189

ORDER DENYING MOTION TO TRANSFER

At a session of said court held in the 19th day of March, 2001, PRESENT: HONORABLE. Randy L. Tahvonen, Visiting Circuit Court Judge

THIS MATTER having come on to be heard upon

the motion of William R. Yee seeking to have this matter transferred to Judge Fullerton, and the Court having considered the pleadings and oral arguments presented in support of the respective positions of the parties, and being fully advised in the premises. NOW, THEREFORE, IT IS HEREBY ORDERED that said Motion be and is hereby DENIED.

s/ RANDY L. TAHVONEN

RANDY L. TAHVONEN

F:/15000/15148/Order Denying Transfer Dated: 19 MARCH 2001

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE

STATE OF MICHIGAN, IN THE CIRCUIT COURT FOR THE COUNTY OF SHIAWASSEE, IN THE MATTER OF:

Determination of a Lake Level for the Waters of Bambi Lake, Bennington Township. SHIAWASSEE County, Michigan, FILE NO. 00-005032-CZ, JUDGE: RANDY L. TAHVONEN, BY ASSIGNMENT

PATRICK A. ASELTYNE (P23293), Attorney for Shiawassee County, 303 S. Waverly Road, Lansing, MI 48917, (517) 886-4800

EDWARD B. DAVISON (P26421), Attorney for Respondents Cummings, et al, Tenth Floor,

Northbank Center, Flint, MI 48502, (810) 234-3633, WILLIAM R. VEE (P45984), In Pro Per, 1798 S. Country Club Rd., #8, Warsaw, IN 46580-9039

ORDER ADDING NECESSARY PARTIES, At a session in said Court, held on the __ day of November, 2001,

PRESENT: HONORABLE RANDY L. TAHVONEN, Circuit Court Judge, THIS MATTER having been brought on to be hear4 by Respondents Cummings, at al, respective counsel having appeared and oral arguments having been heard, and this Court being otherwise fully advised In the premises, NOW, THEREFORE, IT IS HEREBY ORDERED that

James P. Edwards, Joyce A. Edwards,
Christopher Pearce Angle, June Merece Angle,
David Gingery and Michelle Gingery

are hereby added as party respondents. Prepared by:

EDWARD B. DAVISON (P-28421), Attorney for Respondents Cummings, et al., Tenth Floor, Northbank Center, 432 N. Saginaw Street, Flint MI 48502, (810) 234-3633

___(unsigned)_____

RANDY L. TAHVONEN, Circuit Court Judge

Dated: F.\15000\15148\Order Adding Necessary Parties.doc

Petition for Rehearing Brief Unavailable for Filming at this Time